

REMARKS

This Response is submitted in reply to the Final Office Action dated December 19, 2007. Claims 1 to 32 have been cancelled without prejudice or disclaimer. Claims 33 to 56 have been added. No new matter has been added by these new claims.

A Request for Continued Examination and a Petition for a One-Month Extension of Time are enclosed herewith. Please charge deposit account number 02-1818 for the cost of the RCE, the Extension of Time, the new claims and any fees associated with this Response.

As noted above, Applicant has filed a Request for Continued Examination with this Response. Accordingly, Applicant requests that the Examiner provide an upcoming Office Action which will “. . . identify any claims which he or she judges, as presently recited, to be allowable and/or . . . suggest any way in which he or she considers that rejected claims may be amended to make them allowable” in accordance with §707.07(d) of the MPEP.

The Office Action rejected Claims 1, 13, 24, and 26 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant disagrees with and traverses this rejection. Nevertheless, to advance prosecution, Applicant has cancelled Claims 1, 13, 24, and 26 and added new Claims 33, 45, 52 and 54 which do not include the term “same or related”. Accordingly, Applicant submits that such rejections are overcome.

The Office Action rejected Claims 1 to 13, 18 to 26, 31, and 32 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2004/0014517 to Inoue (“*Inoue*”) in view of U.S. Patent No. 6,336,860 to Webb (“*Webb*”). Applicant respectfully disagrees with and traverses this rejection. Additionally, as discussed during the telephone interview, Applicant has cancelled Claims 1 to 32 and submits new Claims 33 to 56 to clarify the structure of the cancelled claims.

Inoue discloses a slot machine game having first to third reel rows and a payout determining device having a first rotary disk, a second rotary disk, and a pointer. The game provides a win when a predetermined symbol combination is completed on a winning payline across the three reel rows. The win is associated with an award coin payout. The first rotary disk of the payout determining device is activated when a winning symbol combination includes the symbol “WILD.” The first rotary disk includes

symbols "x1", "x2", and "x3" and "to wheel 2." If the pointer points to the symbol "x1" when the first rotary disk stops rotating, an award is paid out that is the same as the award coin paid out for the winning symbol combination. If the pointer points to the symbol "x2", an award is paid out that is twice the amount of the award coin paid out as the winning symbol combination, and so forth. The second rotary disk includes symbols "x4", "x5", "x7", and "x10". The second rotary disk is rotated when the pointer stops on the "to wheel 2" symbol of the first rotary disk. If the pointer points to the symbol "x4" when the second rotary disk stops rotating, an award is paid out that is four times the amount of the award coin paid out as the winning symbol combination, and so forth.

Webb generally discloses a game of chance with game symbols having a first defining criterion (e.g., a value or rank) and a second defining criterion (e.g., a color or shape). The second defining criterion can be used to provide the player with an additional award when the second defining criterion of two or more game symbols is the same irrespective of the first defining criterion. In one version, *Webb* provides a game including two symbols "X" and "O", having a first defining criterion which is the letter. Each symbol is available in two colors, e.g., blue and red, which is the second defining criteria. A first option gives a payoff for a line when all symbols in that line are the same irrespective of color (i.e., the symbols have the same first criteria). A second option gives a payoff for a line when all symbols in that line are the same color irrespective of letter (i.e., the symbols have the same second criteria).

Independent Claim 33 is directed to a gaming device which includes, among other elements, at least one processor, and at least one memory device which stores a plurality of instructions, which when executed by the at least one processor, cause the at least one processor to operate, for each play of the game, to: (a) generate and display at least one of a plurality of award values, at least one of the award values having at least one of a plurality of characteristics, wherein at least two of said plurality of characteristics are associated with each other, (b) generate and display at least one of a plurality of modifier values, at least one of the modifier values having at least one of the plurality of characteristics, (c) determine and provide an award, said award determined based on said at least one generated award value modified by said at least one generated modifier value, and (d) determine and provide an additional award if any

characteristic of the generated award value and any characteristic of the generated modifier value are associated with each other.

The Office Action states *Inoue* discloses a plurality of award values, a plurality of modifier values, and an award adapted to be provided to the player, wherein the award is based on at least one generated award value modified by at least one generated modifier value. The Office Action acknowledges *Inoue* does not disclose a gaming device that comprises a plurality of characteristics including at least two of the same or related characteristics, wherein (a) at least one of the characteristics is associated with at least one of the award values; and (b) at least one of the characteristics is associated with at least one of the modifier values. The Office Action states that *Webb* teaches game symbols having a first defining criteria and a second defining criteria wherein the second defining criteria of the game symbols can be used to provide a player with an additional award when the second defining criteria of two or more game symbols is the same, irrespective of the first defining criteria. The Office Action concludes it would have been obvious to incorporate the second defining criteria into the award values and modifier values of the gaming device taught by *Inoue* to provide the game operator with a wide selection of games.

Applicant respectfully disagrees with this rejection. As discussed during the telephone interview, Applicant respectfully submits that neither *Webb* nor *Inoue*, alone or in combination, disclose a modifier value having a characteristic, wherein an additional award is determined and provided if any characteristic of a generated award value and any characteristic of the generated modifier value are associated with each other. On the other hand, the gaming device of independent Claim 33 includes a processor which is caused to operate, for each play of a game, to: generate and display at least one of a plurality of modifier values, at least one of the modifier values having at least one of the plurality of characteristics, and determine and provide an additional award if any characteristic of the generated award value and any characteristic of the generated modifier value are associated with each other.

As also discussed during the telephone interview, Applicant submits that neither the gaming devices of *Webb* nor *Inoue*, alone or in combination, disclose a processor caused to, for each play of the game, generate an award value and a modifier value,

determine and provide an award based on the generated award value modified by the generated modifier value, and determine and provide an additional award if any characteristic of the generated award value and any characteristic of the generated modifier value are associated with each other. Even if the gaming device resulting from the combination of *Inoue* and *Webb* generates an award value and a modifier value, and assuming arguendo that the gaming device resulting from the combination of *Inoue* and *Webb* determines an award based on the alleged generated award value modified by the alleged generated modifier value of *Inoue*, *Inoue* and *Webb*, alone or in combination, do not disclose doing so for each play of the game. That is, the modifier value of the gaming device resulting from the combination of *Inoue* and *Webb* is generated if a specific symbol combination occurs in the primary game. Since the specific symbol combination does not occur for each play of the primary game, the gaming device resulting from the combination does not disclose, for each play of the game, generating a modifier value, and determining an award, the award determined based on the generated award value modified by the generated modifier value. In contrast, the gaming device of independent Claim 33 includes a processor which operates, for each play of the game, to: (a) generate and display at least one of a plurality of award values, at least one of the award values having at least one of a plurality of characteristics, wherein at least two of said plurality of characteristics are associated with each other, (b) generate and display at least one of a plurality of modifier values, at least one of the modifier values having at least one of the plurality of characteristics, and (c) determine and provide an award, the award determined based on said at least one generated award value modified by said at least one generated modifier value.

For at least these reasons, Applicant respectfully submits that independent Claim 33 is patentably distinguished over *Inoue* and *Webb* and is in condition for allowance.

Claims 34 to 44 depend directly or indirectly from Claim 33 and are also allowable for at least the reasons given with respect to Claim 33.

Independent Claim 45 is generally directed to a gaming device which includes, among other elements, at least one processor, and at least one memory device which stores a plurality of instructions, which when executed by the at least one processor,

cause the at least one processor to operate, for each play of the game, to: (a) generate and display at least one of a plurality of first values on one of a plurality of concentric wheels, at least one of the first values having at least one of a plurality of characteristics, wherein at least two of said plurality of characteristics are associated with each other, and (b) generate and display at least one of a plurality of second values on another one of said concentric wheels, at least one of the second values having at least one of the plurality of characteristics.

Independent Claim 52 is generally directed to a gaming device which includes, among other elements, at least one processor, and at least one memory device which stores a plurality of instructions, which when executed by the at least one processor, cause the at least one processor to operate, for each play of the game, to: (a) generate and display at least one of a plurality of first outcomes on one of a plurality of concentric wheels, at least one of the first outcomes having at least one of a plurality of characteristics, wherein at least two of said plurality of characteristics are associated with each other, and (b) generate and display at least one of a plurality of second outcomes on another one of said concentric wheels, at least one of the second outcomes having at least one of the plurality of characteristics.

Independent Claim 54 is generally directed to a method of operating a gaming device having a game operable upon a wager, for each play of the game, the method including, among other steps: (a) displaying a plurality of concentric wheels, (b) displaying a plurality of first values on one of the wheels, at least one of the first values having at least one of a plurality of characteristics, wherein at least two of said plurality of characteristics are associated with each other, and (c) displaying a plurality of second values on another one of said wheels, at least one of the second values having at least one of the characteristics.

Applicant respectfully submits that *Inoue* and *Webb*, alone or in combination, do not disclose a gaming device and/or method of operating a gaming device which includes generating and displaying a plurality of first values (or outcomes) displayed by one of the wheels, and a plurality of second values (or outcomes) displayed by another one of the wheels.

As stated above, the Office Action points to Figure 1 and Figure 5 of *Inoue* for a teaching of a plurality of first values (or outcomes) and for a teaching of a plurality of second values (or outcomes). The Office Action refers to paragraphs 0032 to 0034, 0041, and 0052 of *Inoue* for disclosure of an award adapted to be provided to the player, wherein the award is based on at least one generated award value modified by at least one generated modifier value. The Office Action points to Figure 5 of *Inoue* as disclosing a plurality concentric wheels wherein the plurality of award values are displayed by one of the wheels and the plurality of modifier values are displayed by another of said wheels.

Under a first interpretation, the Office Action is equating *Inoue*'s win result from a winning symbol combination with the Applicant's claimed plurality of award values (or first values or first outcomes), and the symbols on one of the first and second rotary disks with the Applicant's claimed plurality of modifier values (or second values or second outcomes). Applicant respectfully submits that under this construction, neither *Inoue* nor *Webb* disclose a display device including a plurality of concentric wheels, a plurality of first values (or outcomes) displayed by one of the wheels, and a plurality of second values (or outcomes) displayed by another one of the wheels. That is, the win result of *Inoue* resulting from a winning symbol combination is not adapted to be displayed by one of a plurality of concentric wheels.

Under a second interpretation, the Office Action is equating the plurality of award values (or first values or first outcomes) as the symbols "x1", "x2", "x3" and "to wheel 2" on the first rotary disk of *Inoue* and the plurality of modifier values as the symbols "x4", "x5", "x7", and "x10" on the second rotary disk of *Inoue* or vice versa. Applicant respectfully submits that under this interpretation, neither *Inoue* nor *Webb*, disclose an award determined based on the first value (or outcome) modified by the second value (or outcome). The symbols "x1", "x2", "x3" and "to wheel 2" on the first rotary disk of *Inoue* are not modified by the symbols "x4", "x5", "x7", and "x10" on the second rotary disk or vice versa. The gaming devices/method of operating a gaming device of independent Claims 45, 52, and 54 are in contrast to *Inoue* and *Webb*, and each are configured to generate and display at least one first value (or outcome) of a plurality of first values (or outcomes) on one of a plurality of concentric wheels, and (b) generate

and display at least one second value (or outcome) of a plurality of second values (or outcomes) on another one of said concentric wheels.


Additionally, similar to the above provided with respect to independent Claim 33, neither *Inoue* nor *Webb*, alone or in combination, disclose, for each play of the game, generating a first value (or outcome) and a second value (or outcome), and determining and providing an award based on the first value (or outcome) modified by the second value (or outcome). In contrast, independent Claims 45, 52, and 54 are respectively directed to gaming devices (Claims 45 and 52) and a method of operating a gaming device (Claim 54) which include, for each play of the game: (a) generating and displaying a plurality of first values (or outcomes) displayed by one of the wheels, (b) generating and displaying a plurality of second values (or outcomes) displayed by another one of the wheels, and (c) determining and providing an award, the award determined based on the at least one generated first value (or outcome) modified by the at least one generated second value (or outcome).

For at least these reasons, Applicant respectfully submits that independent Claims 45, 52 and 54 are patentably distinguished over *Inoue* and *Webb* and are in condition for allowance.

Claims 46 to 51, 53, 55 and 56 depend directly or indirectly from Claims 45, 52 and 54 and are also allowable for at least the reasons given with respect to Claims 45, 52, and 54.

An earnest endeavor has been made to place this application in condition for allowance, and such allowance is courteously solicited. If the Examiner has any questions related to this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,
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